REMARKS

Claims 1-8 are currently pending in this application. Claim 1 is being amended herewith. Support for these amendments can be found generally throughout the specification, and, specifically at page 10, lines 16-18. Following entry of the foregoing amendments, Claims 1-8 will be pending in the application. Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

The Office Action

Claims 1-8 were rejected under 35 U.S.C. §112, first paragraph, as being non-enabling. Claims 1-8 were rejected under the judicially created ground doctrine of nonstatutory obviousness-type double patenting in view of Claims 1-5 of U.S. Patent No. 6,908,910; Claims 1-14 of U.S. Patent No. 7,109,187; Claims 1-16 of U.S. Patent No. 7,012,070; Claims 1, 4, 6 and 8 of U.S. Patent No. 5,661,143 and Claims 1, 2, 5 and 7 of U.S. Patent No. 5,504,074. Applicants respond to each of the foregoing rejections below.

The Rejection Under 35 U.S.C. §112

Claims 1-8 were rejected under 35 U.S.C. §112, first paragraph, as being non-enabling for inhibiting neovascularization. The Office Action, however, admits that the application is enabling for treating neovascularization due to angiogenesis.

While applicants respectfully disagree with this rejection, applicants are amending Claim 1 herewith in order to advance prosecution. Specifically, applicants are amending Claim 1 herewith to change it from a method of inhibiting neovascularization to a method of treating neovascularization. Such an amendment of Claim 1 is not a narrowing of the scope of the claim. In fact, applicants believe that the amendment of Claim 1 is a broadening of the scope, as it is believed that the term "treating" is inclusive of the term "inhibiting."

Since the Office Action admits that the specification is enabling for a method of treating neovascularization due to angiogenesis, and since Claim 1 is being amended herewith to claim a method of treating neovascularization due to angiogenesis, applicants submit that the amendment overcomes the rejection. Accordingly, withdrawal of that rejection of Claims 1-8 under 35 U.S.C. §112, first paragraph, is respectfully requested.

The Double Patenting Rejection

Claims 1-8 were rejected under the judicially created doctrine of non-statutory obviousness-type double patenting in view of Claims 1-5 of U.S. Patent No. 6,908,910; Claims 1-14 of U.S. Patent No. 7,109,187; Claims 1-16 of U.S. Patent No. 7,012,070; Claims 1, 4, 6 and 8 of U.S. Patent No. 5,661,143 and Claims 1, 2, 5 and 7 of U.S. Patent No. 5,504,074. Applicants are filing herewith a terminal disclaimer in accordance with 37 CFR §1.321, along with the fee required by 37 CFR §1.20(d). Applicants submit that the filing of the terminal disclaimer overcomes the obviousness-type double patenting rejection. Accordingly, the rejection of Claims 1-8 based on obviousness-type double patenting should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that all claims are now in condition for allowance. Such action is respectfully requested. If there are any informalities remaining in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at 404-572-2589 is respectfully solicited.

Respectfully submitted,

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